

## REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends claims 2-3, 5-7, 9-11, and 13. Applicant cancels claim 1 and adds new claims 17-18. Accordingly, claims 2-7, 9-11, and 13-18 are pending.

### **I. Claims Rejected Under 35 U.S.C. §102(b) as Anticipated by Flinker**

The Examiner rejects claims 1-5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,953,105 issued to Flinker ("Flinker"). Applicant has canceled claim 1. Applicant has amended claims 2-5 to depend from independent claim 9.

To anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other elements, amended independent claim 9 defines an ink fountain apparatus for a rotary printing press comprising a press member which is movably supported, wherein the press member moves in one direction to contact an engaging surface of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam.

In making the rejection, the Examiner characterizes Flinker as showing "an ink fountain apparatus for a rotary printing press comprising a rotatably supported ink fountain roller, an ink fountain comprised of a bottom plate with one end supported close to said ink fountain roller and a pair of ink dams standing upright from said bottom plate to correspond to two ends of said ink fountain roller and arranged to oppose in an axial direction of said ink fountain roller, at least one intermediate ink dam standing upright between said ink dams from said bottom plate, said intermediate ink dam including a first member in contact opposite to an outer surface of said ink fountain roller and said bottom plate, a second member in contact opposite to said first member, and a third member in contact opposite to said second member, press means for pressing said first member through said third and second members toward the outer surface of said ink fountain roller and toward said bottom plate, and an adjustment tool for adjusting a tight contact state of said first member with respect to at least one of the outer surface of said ink fountain roller and said bottom plate." Paper No. 13, pages 2-3. The Examiner does not cite Flinker for teaching a press member which is movably supported, wherein the press member moves in one direction to contact an engaging surface of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said

intermediate ink dam. In addition, Applicant has reviewed Flinker and cannot find any sections of Flinker that teach these elements.

Flinker teaches a device for use in the ink fountains of printing presses wherein the fountain is provided with a roller taking the ink from the fountain and applying it to the printing plates of the press, usually through the action of additional rollers. See Flinker, page 1, lines 1-6. Flinker discloses that the ink fountains are held snugly in place by set screw 24 and thumb set screw 25, which provide for a firm and reliable attachment of the ink fountain to the printing device. See Flinker, page 2, lines 21-46. Therefore, Flinker's ink fountain teaches that the ink fountain is attached by means of screws. An ink fountain being attached by two screws certainly does not teach a press member moving in one direction to contact an engaging surface of an intermediate ink dam to press the intermediate ink dam and moving in the other direction to disengage from the intermediate ink dam, thereby allowing removal of said intermediate ink dam. Therefore, Flinker does not teach each of the elements of claim 9.

Claims 2-5 depend from claim 9 and contain all of the limitations thereof. Therefore, claims 2-5 are not anticipated by Flinker at least for the same reasons as independent claim 9. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-5.

## **II. Claims Rejected Under 35 U.S.C. §102(b) as Anticipated by Troy**

The Examiner rejects claims 9-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,919,283 issued to Troy ("Troy"). Applicant amends claim 9.

To anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other elements, amended claim 9 includes a press member which is movably supported, wherein the engaging surface of an ink dam includes an incline plane where an angle formed between an extension line thereof and a bottom plate is an acute angle, thereby pressing said intermediate ink dam toward an outer surface of an ink fountain roller and toward said bottom plate by a pressing pressure of said press member.

In making the rejection, the Examiner characterizes Troy as teaching an ink fountain apparatus for a rotary printing press, comprising a rotatably supported ink fountain roller (16), said ink fountain apparatus comprised of a bottom plate (23) arranged at a position close to said ink fountain roller and a pair of ink dams (18) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (15) arranged between said pair of ink dams, said apparatus comprising a press member (32, 28) which supported movably, which moves in one direction to press said intermediate ink dam toward

an outer surface of said ink fountain roller and toward said bottom plate (Fig. 6), and which moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam. See Paper No. 13, page 4. Troy teaches a device related to printing presses wherein a pad member is employed in connection with a divider to partition a fountain so that the inks of various colors may be used and fed to a fountain roller and sent to a ductor roller. See Troy, page 1, lines 1-9. Troy discloses that adjusting screw 32 presses the divider to increase scaling between pad 10 and ink fountain roller 16, and nose 27 of the divider is thrust into the corner by screw 32, fixing screw 29 and rocker 28. See Troy, page 2, lines 73-86. However, in order to effectively thrust nose 27 of the divider into the corner, it is necessary to balance the clamping quantities of adjusting screw 32 and fixing screw 29 so as not to allow either of them to be biased. On the other hand, according to the present invention, the nose of the intermediate ink dam can be effectively pressed against the ink fountain roller and the bottom by the pressing force of the press member in one direction with the press member and the incline slope.

Thus, Troy fails to teach each of the elements of claim 9. Therefore, claim 9 is not anticipated by Troy. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 9.

Claims 10 and 11 depend from claim 9 and contain all of the limitations thereof. Therefore, claims 10 and 11 are not anticipated by Troy at least for the same reasons as claim 9. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 10 and 11.

### **III. Claims Rejected Under 35 U.S.C. §103(a) as Being Obvious Over Flinker in View of Miyoshi**

The Examiner rejects claim 6 under 35 U.S.C. §103(a) as being obvious over Flinker in view of U.S. Patent No. 5,894,798 issued to Miyoshi, et al. ("Miyoshi"). Applicant amends claim 6 to depend from claim 17, which depends from amended claim 9.

To render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 6 depends from independent claim 9 and contains all the limitations thereof. Therefore, the discussion above regarding Flinker failing to teach each of the elements of independent claim 9 is equally applicable to dependent claim 6. Thus, Flinker fails to teach each of the elements of claim 6.

The Examiner relies on Miyoshi to cure the defects of Flinker. In rejecting claim 6, the Examiner characterizes Miyoshi as teaching "an ink fountain apparatus for a rotary printing press,

further comprising an ink fountain key (5) supported by a lower surface of the bottom plate (7) and with a distal end projecting toward said ink fountain roller (2) closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member (14) and in contact with an upper face of the projecting distal end of said fountain key (Figs. 1 and 3).” Paper No. 13, page 5.

Miyoshi teaches a device relating “to an ink fountain divider for an ink fountain arrangement as an ink supply device for a printing press, which is located adapting to a printing region to be used and can store an ink efficiently.” Miyoshi, col. 1, lines 6-9. The Examiner does not cite Miyoshi for teaching the elements of claim 9. Rather, the Examiner cites Miyoshi for teaching only the above-mentioned elements. In addition, Applicant has reviewed Miyoshi and cannot discern any sections of Miyoshi that teach or suggest a press member which is movably supported, wherein the press member moves in one direction to contact an engaging surface of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam. Therefore, Applicant respectfully submits that Miyoshi does not teach or suggest at least these elements. Thus, Miyoshi fails to cure the defects of Flinker.

The failure of Miyoshi to cure the defects of Flinker is fatal to the obviousness rejection. Therefore, claim 6 is not obvious over Flinker in view of Miyoshi since the combination fails to teach each of the limitations of claim 9 and claim 6 depends from claim 9 and contains all of the limitations thereof. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 6.

#### **IV. Claims Rejected Under 35 U.S.C. §103(a) as Being Obvious Over Flinker in View of Green**

The Examiner rejects claims 7, 13 and 14 under 35 U.S.C. §103(a) as being obvious over Flinker in view of U.S. Patent No. 2,301,535 issued to Green (“Green”). Applicant amends claims 7, 13 and 14 to each depend from new claim 17, which depends from claim 9.

To render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claims 7, 13 and 14 each depend from independent claim 9 and contain all the limitations thereof. Therefore, the discussion above regarding Flinker failing to teach each of the elements of independent claim 9 is equally applicable to dependent claims 7, 13 and 14. Thus, Flinker fails to teach each of the elements of claims 7, 13 and 14.

The Examiner relies on Green to cure the defects of Flinker. The Examiner characterizes Green as showing “a fountain divider with three members, wherein said third member (22) has an engaging surface formed of a slant surface (Fig. 2), and said press means (38) comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface. Moreover, the Examiner characterizes Green as teaching that such a press means is critical for controlling the sealing effect of the divider at the critical point where the ink runs out of the trough onto the roller, wherein said additional tool further comprises a second adjustment bolt (40) moving in a direction toward the periphery of said ink fountain roller and a third adjustment bolt (36) moving in a direction toward said bottom plate (claim 14).” Paper No. 13, page 7 (citing Green, col. 2, lines 39-42; claims 7 and 13). Green teaches that resilient member 22 is pressed against the outer surface of the ink fountain roller and the bottom through pressure strip 50 with screw 38. Among other elements, claim 9 includes a press member moving in a direction to disengage it from an intermediate ink dam, thereby allowing removal of the intermediate ink dam and an engaging surface of said intermediate ink dam including an incline plane where an angle formed between an extension line and a bottom plate is an acute angle. These elements are neither taught nor suggested in Green since removal of screw 38 would be the means of removing the ink fountain, not moving resilient member 22. Moreover, the elements of an ink dam including an incline slope forming an acute angle with regard to an extension line is also not taught or suggested in Green. Thus, Green fails to cure the defects of Flinker.

The failure of Green to cure the defects of Flinker is fatal to the rejection. Therefore, the combination of Flinker and Green fails to teach each of the elements of claim 9 and in turn, claims 7, 13 and 14 since these claims each depend from claim 9 and incorporate all of the limitations thereof. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 7, 13 and 14.

## **V. New Claims**

Applicant adds new claims 17 and 18. Regarding these claims, the second adjustment bolt presses the upright plane (40) so that the tight contact state of the first member with respect to the outer surface of the ink fountain roller is adjusted. The third adjustment bolt presses the parallel plane (39) so that the tight contact state of said first member with respect to the bottom plate is adjusted. Therefore, Applicant respectfully submits new claims 17 and 18 are in condition for allowance.

VI. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that claims 15 and 16 are allowable.

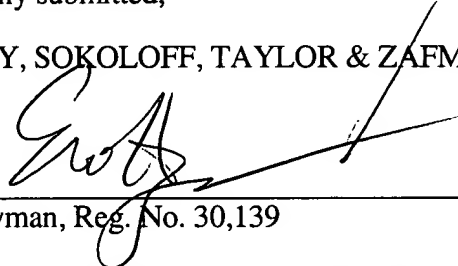
CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



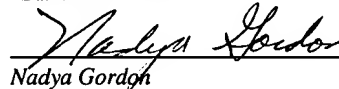
Dated: October 22, 2003

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*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 22, 2003.*

  
Nadya Gordon

10/22/03  
Date